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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,363	03/01/2002	Ronald William Gavillet	VERT-0003	3330

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EXAMINER

DEANE JR, WILLIAM J

ART UNIT PAPER NUMBER

2642

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,363	Applicant(s) GAVILLET, RONALD WILLIAM	
	Examiner William J. Deane	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2004/0057427 (Christie et al.) in view of U.S. Patent Application No. 5930348 (Regnier et al.)

With respect to claims 1, 5, 13 – 14 and 17, note Figs. 5 and 6 and paragraph 0152. Christie et al. do not explicitly disclose that the system can be connected to another tandem, however connecting one tandem switch to another is old in the art according to Regnier et al. See Col. 18, lines 49 – 52. Since Christie et al. connects to multiple networks and network elements, it would have been obvious to one of ordinary skill in the art to have incorporated the tandem to tandem switching as taught by Regnier et al. into the Christie et al. device as another means of switching networks.

With respect to claim 2, note Fig. 6.

With respect to claim 3, note paragraphs 0063 and 0135.

With respect to claims 4 and 11, note paragraph 0152.

With respect to claims 6 – 7, note that the tandem switch (500 or 600) handles IP, ATM and circuit switched networks (see applicants definition on page 19, lines 16 – 17). Note paragraphs 0038 and 0041 of Christie et al.

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With respect to claim 8, fiber is well known in the art and it would have been obvious to one of ordinary skill in the art to incorporate fiber wherever it was deemed necessary.

With respect to claims 9 – 10 and 15 – 16, though Christie et al. does not disclose an RBOC, it would have been obvious to one of ordinary skill in the art to include RBOC in the system of Christie et al., as RBOCs are notoriously old in the art.

With respect to claim 12, if not inherent such a limitation would be obvious to one of ordinary skill in the art.

Response to Arguments

Applicant's arguments with respect to claims 1 - 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,359,979 (Wang et al.) – note Figs. and Abstract;

U.S. Patent Application No. 2003/0016675 (Underwood) – note Abstract and Figs.;


U.S. Patent Application No. 2003/0194078 (Wood et al..) – note Figs and Abstract;

U.S. Patent Application No.2004/0233909 (Allen, Jr. et al.) – note Figs. and Abstract;

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

12Dec2005


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER